

Permit No.

Coverage Date:

Issuance Date: October 4, 2000
Effective Date: November 18, 2000
Expiration Date: November 18, 2005

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND STATE
WASTE DISCHARGE BASELINE GENERAL PERMIT FOR
STORMWATER DISCHARGES ASSOCIATED WITH

INDUSTRIAL ACTIVITIES

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7696

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified or revoked, permittees that have properly obtained coverage under this permit are authorized to discharge to waters of the state in accordance with the special and general conditions which follow.

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Definitions

Air Emission means a release of air contaminants into the ambient air.

Best Management Practices (BMPs - general definition) means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In this permit BMPs are further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

Bypass means the diversion of waste streams from any portion of a treatment facility.

Capital Improvements means the following improvements which will require capital expenditures:

1. Treatment BMPs, including but not limited to: biofiltration systems including constructed wetlands; settling basins, oil/water separation equipment, and detention and retention basins.
2. Manufacturing modifications, including process changes for source reduction, if capital expenditures for such modifications are incurred.
3. Concrete pads and dikes and appropriate pumping for collection of stormwater and transfer to control systems, from manufacturing areas such as loading, unloading, outside processing, fueling and storage of chemicals, equipment, and wastes.
4. Roofs and appropriate covers for manufacturing areas.

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

Combined Sewer means a sewer which has been designed to serve as a sanitary sewer and a storm sewer, and into which inflow is allowed by local ordinance.

Constructed Wetland means wetlands intentionally created, on sites that are not natural wetlands, for the primary purpose of wastewater or stormwater treatment and managed as such. Constructed wetlands are normally considered as part of the stormwater collection and treatment system.

Construction Activity means clearing, grading, excavation and any other activity which disturbs the surface of the land. Such activities may include road building, construction of residential houses, office buildings, industrial buildings, and demolition activity.

Detention means the temporary storage of stormwater to improve quality and/or to reduce the mass flow rate of discharge.

Director means the Director of the Washington Department of Ecology or his/her authorized representative.

Discharger means an owner or operator of any facility or activity subject to regulation under Chapter 90.48 RCW or the Federal Clean Water Act.

Discharge Target means concentration, mass load, or other indicator of any pollutant which the permittee may use as guidance in determining whether the stormwater discharge contains a significant amount of a pollutant. Discharge targets have been established for the following:

- Oil and Grease: a maximum 24 hour average concentration (or during a calendar day) of 10 mg/L, or a grab sample maximum concentration of 15 mg/L at any time, and no ongoing or frequently recurring visible sheen in the stormwater discharge or in the receiving water.
- Settleable solids: a maximum of 0.1 ml/L (grab sample) based on an analytical procedure using a one hour settling time.
- pH: between 6.0 and 9.0 (grab sample basis).

Domestic Wastewater means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration or surface waters as may be present.

Ecology means the Washington Department of Ecology.

Equivalent BMPs means operational, source control, treatment, or innovative BMPs which result in equal or better quality of stormwater discharge to surface water or to ground water than BMPs selected from the SWMM.

Equivalent Stormwater Management Manual means a manual that has been determined by Ecology as being equivalent to the SWMM.

Erosion means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

Erosion and Sediment Control BMPs means BMPs that are intended to prevent erosion and sedimentation, such as preserving natural vegetation, seeding, mulching and matting, plastic covering, filter fences, and sediment traps and ponds. Erosion and sediment control BMPs are synonymous with stabilization and structural BMPs.

Erosion and Sediment Control Plan means a document which describes the potential for erosion and sedimentation problems, and explains and illustrates the measures which are to be taken to control those problems.

Existing Facility means a facility that is not a new facility.

Final Stabilization means the completion of all soil disturbing activities at the site and the establishment of a permanent vegetative cover, or equivalent permanent stabilization measures (such as riprap, gabions or geotextiles) which will prevent erosion.

"40 CFR" means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

General Permit means a permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

Ground Water means water in a saturated zone or stratum beneath the land surface or a surface water body.

Illicit Discharge means any discharge that is not composed entirely of stormwater except discharges pursuant to a separate NPDES permit and discharges resulting from fire fighting activities.

Inactive Site means a facility which no longer engages in business, production, providing services, or any auxiliary operation.

Industrial Activity - See Appendix #1-Section A.

Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site, surface impoundment, injection well, or waste pile.

Land Application Site means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

Leachate means water or other liquid that has percolated through raw material, product or waste and contains substances in solution or suspension as a result of the contact with these materials.

Local Government means any county, city, or town having its own government for local affairs.

Municipality means a political unit such as a city, town or county; incorporated for local self-government.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of Ecology.

New Facility means a facility that begins activities that result in a discharge, or a potential discharge to waters of the state on or after the effective date of this general permit.

Noncontact Cooling Water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Notice of Intent (NOI) means the application for, or a request for coverage under this *General Permit* pursuant to WAC 173-226-200.

Notice of Termination (NOT) means a request for termination of coverage under this general permit as specified by Special Condition S11 of this permit.

Operational BMPs means schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping, and other managerial practices to prevent or reduce the pollution of waters of the state. Not included are BMPs that require construction of pollution control devices.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure and container from which pollutants are or may be discharged to surface waters of the state. This term does not include return flows from irrigated agriculture. (See Fact Sheet for further explanation.)

Pollutant means the discharge of any of the following to waters of the state: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

Pollution means contamination or other alteration of the physical, chemical, or biological properties of waters of the state; including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or

is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish or other aquatic life.

Primary Activity means the activity at an industrial facility in which the facility is primarily engaged, such as principal product or group of products produced or distributed, or services rendered. The primary extent of the activity may be determined based on revenues, production rate, or number of employees.

Process Wastewater means any water which, during manufacturing or processing, comes into direct contact or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Puget Sound Basin means the Puget Sound south of Admiralty Inlet (including Hood Canal and Saratoga Passage); the waters north to the Canadian border, including portions of the Strait of Georgia; the Strait of Juan de Fuca south of the Canadian border; and all the lands draining into these waters as mapped in Water Resources Inventory Areas numbers 1 through 19, set forth in WAC 173-500-040.

Sanitary Sewer means a sewer which is designed to convey domestic wastewater.

Sediment means the fragmented material that originates from the weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

Sedimentation means the depositing or formation of sediment.

SEPA (State Environmental Policy Act) means the Washington State Law, RCW 43.21C.020, intended to prevent or eliminate damage to the environment.

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant Amount means an amount of a pollutant in a discharge that is amenable to available and reasonable methods of prevention or treatment; or an amount of a pollutant that has a reasonable potential to cause a violation of surface or ground water quality or sediment management standards.

Significant Contributor of Pollutant(s) means a facility determined by Ecology to be a contributor of a significant amount(s) of a pollutant(s) to waters of the state of Washington.

Significant Materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

Site means the land or water area where any "facility or activity" is physically located or conducted.

Source Control BMPs means physical, structural or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

Standard Industrial Classification (SIC) is the statistical classification standard underlying all establishment-based federal economic statistics classified by industry as reported in the 1987 SIC Manual by the Office of Management and Budget.

Stabilization means the application of appropriate BMPs to prevent the erosion of soils, such as, temporary and permanent seeding, vegetative covers, mulching and matting, plastic covering and sodding. See also the definition of Erosion and Sediment Control BMPs.

Storm Sewer means a sewer that is designed to carry stormwater. Also called a storm drain.

Stormwater means rainfall and snow melt runoff.

Stormwater Drainage System means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate or divert stormwater.

Stormwater Management Manual for the Puget Sound Basin (SWMM) or Manual means the technical manual prepared by Ecology for use by local governments and published in 1992, or statewide revisions when they become available, that contain descriptions of and design criteria for BMPs to prevent, control, or treat pollutants in stormwater.

Stormwater Pollution Prevention Plan (SWPPP) means a documented plan to implement measures to identify, prevent, and control the contamination of point source discharges of stormwater.

Surface Waters of the State includes lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

Treatment BMPs means BMPs that are intended to remove pollutants from stormwater. A few examples of treatment BMPs are detention ponds, oil/water separators, biofiltration, and constructed wetlands.

Uncontrolled Sanitary Landfill means a landfill or open dump, whether in operation or closed, that does not meet the requirements for runoff and runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act.

USEPA means the United States Environmental Protection Agency.

Water Quality means the chemical, physical, and biological characteristics of water, usually with respect to its suitability for a particular purpose.

Waters of the State includes those waters as defined as "waters of the United States" in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter 90.48 RCW which include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the state of Washington.

Acronyms

BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response Compensation & Liability Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Control
FWPCA	Federal Water Pollution Control Act
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SARA	Superfund Amendment and Reauthorization Act
SEPA	State Environmental Policy Act
SIC	Standard Industrial Classification
SMCRA	Surface Mining Control and Reclamation Act
SWMM	Stormwater Management Manual for the Puget Sound Basin
SWPPP	Stormwater Pollution Prevention Plan
USC	United States Code
USEPA	United States Environmental Protection Agency
WAC	Washington Administrative Code
WQ	Water Quality

Introduction

The Ecology stormwater pollution control program is based, in part, on the federal regulations of 40 CFR Parts 122, 123, and 124 Subchapter D (Water Programs) issued on November 16, 1990, and the implementation of section 402(p) of the Federal Clean Water Act. The goals of these federal regulations are to reduce or eliminate stormwater pollution from municipal and industrial point sources, by requiring the implementation of technology based Stormwater Pollution Prevention Plans (SWPPP), and to eliminate surface water quality standards violations caused by stormwater.

Under the authority of Chapter 90.48 RCW (Water Pollution Control) Ecology has expanded the scope of its stormwater program beyond the federal government's goals. Ecology's program requires eventual compliance with ground water quality and sediment management standards for those facilities that are required to obtain an NPDES permit for a stormwater discharge to surface waters or storm drains.

To comply with 40 CFR Parts 122, 123, and 124, and pursuant to the provisions of Chapters 90.48 RCW and 90.52 RCW (Pollution Disclosure Act of 1971) and Chapter 173-226 WAC (Waste Discharge General Permit Program) all those who file a Notice of Intent and are covered under this baseline general permit (see Special Condition S2) shall comply with the following:

Special Conditions

S1. Schedule of Compliance

A. Notice of Intent (NOI) Submission Deadlines (See table at end of this special condition)

A Notice of Intent (application) shall be submitted to Ecology:

1. By new industrial facilities, on or before 38 days prior to the commencement of the industrial activity at the facility;
 - a. State Environmental Policy Act (SEPA) Notification

The permittee shall comply with SEPA and provide the required information on SEPA compliance in the attached NOI, prior to receiving permit coverage.
 - b. Public Notice Requirement

The permittee shall comply with public notice requirements in accordance with WAC 173-226-130 (See the attached NOI instructions), prior to receiving permit coverage.
2. For the purpose of this permit, facilities that were in operation before November 18, 1995 are considered to be "Existing Facilities". Existing facilities shall submit a Notice of Intent (application) to Ecology as follows:
 - a. By facilities determined to be significant contributors of pollutants, within 30 days of notification by Ecology;
 - b. By facilities determined to be in violation of NPDES stormwater application submission requirements, within 30 days of notification by Ecology;

- c. By facilities whose primary industrial activity is within one of the listed categories in Appendix #1-Section C of this permit regardless of the SIC code of the ownership of the facility, within 30 days of notification by Ecology.
3. Facilities that have coverage under the industrial stormwater general permit must reapply for coverage by submitting the Renewal NOI at least 180 days prior to the specified expiration date of this permit.
- B. Stormwater Pollution Prevention Plan (SWPPP) Deadlines (See table at end of this special condition)

To comply with the requirements of this general permit the permittee shall:

1. For new industrial facilities that begin operation after November 18, 1995:
Develop the SWPPP before submission of the Notice of Intent and implement the SWPPP prior to commencement of the discharge(s) (see Special Condition S9 of this permit) and retain on-site.
2. For existing facilities determined to be significant contributors of pollutants, and facilities whose primary industrial activity is within one of the categories listed in Appendix #1-Section C, regardless of facility ownership:
 - a. Develop a SWPPP within 90 days of the permit coverage date (see Special Condition S9 of this permit) and retain the SWPPP on-site.
 - b. Within nine months of the permit coverage date, complete the implementation of operational BMPs and applicable source control BMPs, as required under Special Condition S9 (SWPPP for Industrial Facilities) of this permit, which do not require capital improvements.
 - c. Within nine months of the permit coverage date, complete construction plans for BMPs requiring capital construction.
 - d. Within 18 months of the permit coverage date, complete the implementation of BMPs requiring capital improvements.

TABLE: S1 SCHEDULES OF COMPLIANCE				
		Completion Timetable*		
Type of Facility	NOI Submission	SWPPP Preparation	Noncapital BMPs	Capital BMPs
a. New Facilities	38 days**	Implement prior to discharge	Implement prior to discharge	Implement prior to discharge
b. Existing Facilities				
Significant Contributors	30 days***	90 days	9 months	18 months
Primary Auxiliary	30 days***	90 days	9 months	18 months
In violation of permit coverage requirements	30 days***	<90 days	<9 months	<18 months
In violation of SWPPP Requirements	---	<90 days	<9 months	<18 months
* From the date of permit coverage unless otherwise specified. ** On or before 38 days prior to the commencement of the industrial activity at the facility. *** Within 30 days of notification by Ecology.				

S2. Permit Coverage

A. How to Obtain Coverage

Coverage under this permit for industrial facilities may be obtained by submitting a NOI to Ecology to discharge "Stormwater Associated With Industrial Activity." Ecology intends to notify applicants (existing facilities) by mail of their status concerning coverage under this permit within 30 days of Ecology's receipt of the completed NOI. Ecology intends to notify new facilities within 30 days of: receipt of a completed NOI, the end of the public comment period, and compliance with SEPA requirements. If the applicant does not receive notification from Ecology, coverage under this permit automatically commences on the 31st day following compliance with application requirements (including public notice and SEPA requirements for new facilities) in accordance with General Condition G22-Commencement of Coverage under a General Permit.

Applicants which discharge stormwater associated with industrial activity to a storm sewer operated by any of the following municipalities shall submit a copy of the NOI to the municipality:

Seattle, King County, Snohomish County, Tacoma, Pierce County, Clark County, Spokane County, and Washington State Department of Transportation (WSDOT).

B. Facilities and Activities Required to Seek Permit Coverage

All new and existing point source discharges of stormwater associated with industrial activity to surface waters of the state of Washington and/or to municipal storm sewers, from the facilities listed below, owned or operated by private entities or by state or local governments are required to seek permit coverage. Permit coverage may be required for any facility whose primary activity at the facility is listed among the industrial categories in Appendix #1-Section C. For facilities identified by SIC code see Special Condition S12 (Determination of Primary Activity).

1. Facilities listed at 40 CFR Subpart 122.26(b)(14)(i-ix) (Stormwater Discharges); see Appendix #1-Section C, categories 1-9 for a listing of these facilities; (**Note Category 10; construction activities disturbing five acres or more land are covered under a separate general stormwater permit for construction activities**)
2. Facilities listed at 40 CFR 122.26(b)(14)(xi), which have a "stormwater discharge associated with industrial activity" as described in Appendix #1-Section A , category 11, of this permit;
3. Facilities which are included in a group application [as described at 40 CFR Subpart 122.226(c)(2)] to USEPA, unless otherwise excluded under this special condition.
4. Any facility which is required by 40 CFR Subpart 122.26(b)(14) to have a stormwater NPDES permit, and which has an existing NPDES discharge permit that does not address all stormwater discharges associated with industrial activity;
5. Any inactive industrial facility which is listed under 40 CFR Subpart 122.26(b)(14), and where significant materials remain on site and are exposed to stormwater.

C. Conditional Coverage under this Permit

Existing facilities which have not obtained required NPDES permit coverage may obtain conditional coverage under this permit subject to the following:

- Completion of a SWPPP in a timely manner, and
- Completion of all required BMPs within a schedule acceptable to Ecology.
- Completion of the SWPPP and the required BMPs shall not extend beyond the schedule of Special Condition S1.B.2.

D. Coverage for Significant Contributors of Pollutants

This permit may also cover any facility discharging stormwater which Ecology determines to be a significant contributor of pollutants to waters of the state of Washington or may reasonably be expected to cause a violation of a water quality standard.

E. Coverage for Discharges to Ground Water

This permit also covers discharges of stormwater associated with industrial activity to ground water from any facility which has a discharge of stormwater to a surface water or a storm sewer.

F. Facilities and Activities not Required to Apply

The following facilities are not required to apply for coverage under this permit to discharge stormwater associated with industrial activities:

1. Any facility owned or operated by a municipality with a population of less than 100,000, in accordance with the most recent decennial census by the United States Bureau of Census, other than an airport, power plant, or uncontrolled sanitary landfill;
2. Industrial facilities which discharge their stormwater only to a municipal combined sewer or sanitary sewer. Discharge of stormwater to sanitary or combined sewers shall only occur as authorized by the municipal authority responsible for that sewer;
3. Any industrial facility under category 11 of Appendix #1-Section C of this permit whose only stormwater discharge associated with industrial activity is drainage from roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, unless the air emissions are judged by the operator/owner or Ecology to be a source of discharge of significant amount(s) of pollutant(s) in the stormwater;
4. Industrial facilities which discharge stormwater only to the ground through infiltration basins, dry wells, drain fields and any other discharge to the ground and have no point source discharge to surface water or a municipal storm sewer;
5. Office buildings and/or administrative parking lots from which stormwater discharges are not commingled with stormwater discharges from areas associated with industrial activity;
6. In accordance with 40 CFR 122.3(d), any part of a facility with a discharge which is in compliance with the instructions of an On-Scene-Coordinator pursuant to 40 CFR part 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances);

7. Any part of a facility with a stormwater discharge resulting from remedial action conducted by the USEPA or Ecology or a potentially liable/responsible person under an order, agreed order or consent decree issued under the Comprehensive Environmental Response, Compensation, and Liability Act. These facilities must still comply with the requirements in this general permit determined by Ecology to be applicable, relevant and appropriate requirements under these laws;
8. Any land application site used for the beneficial use of industrial or municipal wastewater for agricultural activities at agronomic rates or for landscaping purposes;
9. Any farmland, domestic garden, or land used for sludge management where domestic sewage sludge (biosolids) is beneficially reused (nutrient builder or soil conditioner) and which is not physically located in the confines of domestic sewage treatment works, or areas that are in compliance with Section 405 (Disposal of Sewage Sludge) of the CWA;
10. Any inactive coal mining operation if the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act (SMCRA) authority has been released;
11. Any inactive noncoal mining operation if released from applicable state or federal reclamation requirements after December 17, 1990. Any inactive noncoal mining operation which does not have a discharge of stormwater that comes in contact with any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of the facility;
12. Inactive mining, inactive oil and gas operations or inactive landfills where neither an owner nor an operator can be identified.

G. Facilities EXCLUDED from Coverage Under This Permit

Ecology will not consider coverage for the following facilities or activities:

1. Any part of a facility with a stormwater discharge subject to an Effluent Limitations Guideline, Toxic Pollutant Effluent Standard, or New Source Performance Standard addressing stormwater or a combination of stormwater and process water, (See Section D of Appendix #1). These facilities need to obtain coverage under another NPDES permit for stormwater discharges associated with industrial activity.
2. Nonpoint source silvicultural activities; such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff as excluded in 40 CFR Subpart 122.27;
3. Facilities that are federally owned or operated or are on Tribal land, or facilities that discharge stormwater to receiving waters subject to water quality standards of Indian Tribes, including portions of the Puyallup River and other waters on trust or restricted lands within the 1873 Survey Area of the Puyallup Tribe of Indians Reservation;
4. Any facility covered under an existing NPDES individual or general permit in which stormwater management or treatment requirements or both that meet the intent of this permit are included for all stormwater discharges associated with industrial activity;

5. Construction activity at industrial facilities, including clearing, grading and excavation, which disturbs five acres or more of total land area. Such construction sites shall obtain coverage under Ecology's General Permit for Stormwater Discharges Associated with Construction Activities.

S3. Authorized Discharges

This permit authorizes the discharge of stormwater to waters of the state from industrial facilities owned or operated by permittees identified in Special Condition S2 (Permit Coverage) as follows:

1. New and existing discharges from an existing conveyance;
2. Discharges from new stormwater conveyances constructed after the issuance date of this permit that have received all applicable state and local permits and use authorizations, including compliance with Chapter 43.21C RCW (the State Environmental Policy Act).

S4. Discharge Prohibitions

- A. Discharges to a storm drain or surface water of process wastewater, domestic wastewater, or noncontact cooling water not covered by an NPDES permit are prohibited.
- B. Discharges of stormwater to sanitary or combined sewers shall be limited pursuant to WAC 173-226-100 and Chapter 173-245 WAC (Submission of Plans and Reports for Construction and Operation of Combined Sewer Overflow Reduction Facilities) which requires "the greatest reasonable reduction of combined sewer overflows at the earliest possible date." Discharges of stormwater to sanitary sewers shall not occur without the approval of the municipality which owns or operates the sanitary sewer system.
- C. Illicit discharges are not authorized by this permit, nor does it relieve entities responsible for illicit discharges, including spills of oil or hazardous substances, from obligations under state and federal laws and regulations pertaining to those discharges.

S5. Compliance With Standards

- A. The ultimate goal is for permittees covered under this permit to achieve compliance with state of Washington surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), ground water quality standards (Chapter 173-200 WAC), and human health based criteria in the National Toxics Rule (federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923).

Facilities that are in compliance must remain in compliance. Where facilities are not in compliance Ecology recognizes that a compliance schedule is necessary to achieve compliance. Ecology expects that compliance will be achieved through development, implementation and maintenance of SWPPPs and implementation of Special Condition S7 (Assessment of the Potential for Standards Violations for Industrial Facilities) of this permit. Compliance with the requirements of this permit constitutes ongoing efforts towards compliance with standards on a compliance schedule as authorized by Chapter 173-201A WAC and approved by Ecology.

Ecology reserves the right to take appropriate action for the protection of human health and beneficial uses of the receiving water or where standards violations require more immediate action due to obvious and severe violations.

- B. The point of compliance with surface water quality standards shall be determined after consideration of the assignment of a dilution zone as allowed under Chapter 173-201A WAC. The point of compliance with ground water quality standards shall be determined by applying the provisions of Chapter 173-200 WAC. The point of compliance with sediment management standards shall be determined in accordance with Chapter 173-204 WAC.

S6. Sampling and Analysis

Sampling and analysis of stormwater for pollutants and ground water, surface water, or sediments for impacts of stormwater discharges are not required by this permit. However, voluntary sampling and analysis are encouraged and may be appropriate during the development and implementation of the SWPPP. Analyses conducted in accordance with 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants) and Puget Sound Estuary Program Protocols is recommended but not required. Sampling procedures may be conducted in accordance with USEPA's NPDES Stormwater Sampling Guidance Document (EPA 833-B-92-001), July 1992, or Ecology guidance when it becomes available.

Sampling may be conducted to determine if a significant amount of any pollutant is present in the stormwater discharge(s) or whether discharge targets of pollutants are achieved.

S7. Assessment of the Potential for Standards Violations by Industrial Facilities

This permit may be modified prior to November 18, 2005, to require the following:

1. An assessment by permittees of the potential for stormwater discharges to cause violations of surface water quality, ground water quality, or sediment management standards. The assessment shall be based upon criteria provided by Ecology.
2. A monitoring and reporting plan for any facility whose stormwater discharge is determined to have a high potential for violating surface water or ground water quality, or sediment management standards.

S8. Permit Fees

Annual payment of fees in accordance with RCW 90.48.465 (Water Discharge Fees) is a condition of this permit. Fees for stormwater discharges covered under this permit shall be established by Chapter 173-224 WAC (Wastewater Discharge Permit Fees) and its revisions.

S9. Stormwater Pollution Prevention Plan(SWPPP) for Industrial Facilities

Those facilities subject to the schedules of Special Condition S1 shall prepare and implement a SWPPP in accordance with the objectives and requirements of this special condition.

Existing facilities who have developed and implemented a SWPPP shall continue to maintain the SWPPP in accordance with the relevant and appropriate requirements of this permit, including, but not limited to, maintaining a Pollution Prevention Team, visual self-inspections, semi-annual review of the SWPPP and updates as necessary, employee training, and recordkeeping.

A. Objectives

1. To eliminate the discharges of unpermitted process wastewater, domestic wastewater, noncontact cooling water, and other illicit discharges, to stormwater drainage systems, or to surface waters of the state of Washington;
2. To implement and maintain Best Management Practices (BMPs) to identify, reduce, eliminate, and/or prevent the discharge of stormwater pollutants;
3. To prevent violations of surface water quality, ground water quality, or sediment management standards; and
4. To prevent adverse water quality impacts including impacts on beneficial uses of the receiving water by controlling peak rates and volumes of stormwater runoff at the permittee's outfalls and downstream of the outfalls.

B. General Requirements

1. Permittee:

If the owner and the operator (or tenant) of an industrial facility are not the same, the operator shall be the permittee and the owner may choose to be a co-permittee.

2. Retention and Availability:

The permittee(s) shall retain the SWPPP on-site or within reasonable access to the site and make it available upon request to Ecology; and if discharge is to a municipal storm sewer system, to the municipal operator of the storm sewer system, on request. The public may also obtain a copy of a permittee's SWPPP by request from Ecology. The SWPPP and all of its modifications shall be signed in accordance with General Condition G20 (Signatory Requirements).

3. Modifications:

- a. Ecology may notify the permittee when the SWPPP does not meet one or more of the minimum requirements of this Special Condition S9. Within 30 days of such notice, the permittee shall submit to Ecology, a plan for modification of the SWPPP and a schedule for implementing the modification(s).
- b. The permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling the pollutants.
- c. Whenever a self-inspection reveals that the description of pollutant sources or the BMPs identified in the SWPPP are inadequate, due to the actual discharge of or potential to discharge a significant amount of any pollutant, the SWPPP shall be modified, as appropriate, within two weeks of such inspection for modifying noncapital BMPs, and within six months of such inspection for modifying capital BMPs (See Special Condition S9.B.4. below). The permittee shall provide a schedule in the SWPPP for implementation of any modifications to the BMPs in a timely manner.

4. Applicability of Current and Future Editions of the Stormwater Management Manual for The Puget Sound Basin (SWMM):

BMPs required for facilities identified in Special Condition S1.B. of this permit, or, new or revised BMPs required as a result of self-inspections required in this Special Condition, shall be selected from the most recent published edition of the SWMM, or other equivalent manuals, available at least 120 days before the selection of the BMPs is necessary.

5. Other Pollution Control Plans:

The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit (a Pollution Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW, is an example of such a plan).

6. Coordination with Local Government Requirements:

This permit does not relieve the permittee of compliance with applicable requirements of local governments. As required by the Puget Sound Water Quality Authority Management Plan, local governments within the Puget Sound Basin are to adopt stormwater management manuals and ordinances which contain requirements that are at least equivalent to those in Ecology's SWMM. Where Ecology has determined such requirements to be equivalent, compliance with those requirements meets the applicable requirements of this permit.

C. Overall Approach

The following approach shall be used in developing and maintaining the SWPPP:

1. Assessment of activities and handling of materials and equipment on-site that causes or has the potential to cause pollution by stormwater;
2. Development, implementation, and maintenance of BMPs to reduce, eliminate, and/or prevent surface water, ground water, or sediment pollution.

D. SWPPP Contents and Requirements

The SWPPP shall contain the following:

1. Assessment and description of existing and potential pollutant sources, including:
 - a. A certification by a responsible official (see General Condition G20) of the facility, that the discharge has been investigated for the presence of nonstormwater discharges based on the following procedures:
 - i) Testing for the presence of nonstormwater discharges shall be conducted during the dry season or other appropriate time at all stormwater discharge locations.
 - ii) Visual observations of flows, odors, visible sheen, and other abnormal conditions. Tests may include dye tests, television line surveys; and/or analysis and validation of accurate piping schematics. Records shall be maintained of the description of the methods used, date(s) of testing, locations observed and test results. Additional guidance can be obtained in BMP S2.10 (Locating Illicit Connections to Storm Drains) of

Ecology's Stormwater Management Manual for the Puget Sound Basin (SWMM).

- b. A site map showing the stormwater drainage and discharge structures, an outline of the stormwater drainage areas for each stormwater discharge point (including discharges to ground water), paved areas and buildings, areas of pollutant contact (actual or potential), surface water locations, areas of existing and potential soil erosion and vehicle service areas;

Lands adjacent to the site shall also be depicted where helpful in identifying discharge points or drainage routes.

- c. A list of pollutants that are or have a reasonable potential to be present in stormwater discharges in significant amounts. The list shall be prepared after inventorying the types of materials handled at the site that potentially may be exposed to precipitation or runoff and reviewing existing discharge sampling data. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored, or disposed in a manner to allow exposure to stormwater between the time of three years prior to the date of the issuance of this permit and the present; the method and location of on-site storage or disposal; and a list of significant spills and significant leaks of toxic or hazardous pollutants;
- d. Identification of all areas associated with industrial activities (see Appendix #1-Section A) which have been or may potentially be sources of significant amounts of pollutants, including the following:
 - i) Loading and unloading of dry bulk materials or liquids,
 - ii) Outdoor storage of materials or products,
 - iii) Outdoor manufacturing and processing,
 - iv) Dust or particulate generating processes,
 - v) Roofs or other surfaces exposed to air emissions from a manufacturing building or a process area,
 - (vi) On-site waste treatment, storage or disposal,
 - (vii) Vehicle and equipment fueling, maintenance and/or cleaning.

- 2. A description of the BMPs that are needed for the facility to reduce the potential for the discharge of significant amounts of pollutants. The description shall include the following minimum requirements:

- a. Operational BMPs:
 - i) Pollution Prevention Team: Identification of specific individual(s) by name or by title within the plant organization who is/are responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and modification. The activities and responsibilities of the team should address all aspects of the facility's SWPPP.
 - ii) Good Housekeeping: The ongoing maintenance and cleanup, as appropriate, of areas which may contribute pollutants to stormwater discharges; the SWPPP should include cleaning and maintenance schedules.
 - iii) Preventive Maintenance: Inspection and maintenance of the stormwater drainage and treatment systems (if any), and plant equipment and systems

that could fail and result in contamination of stormwater. Refer to BMP S2.00 (Maintenance of Storm Drainage Facilities) in Volume IV (Urban Land Use) of Ecology's SWMM for storm drainage facility maintenance recommendations and to Volume III (Runoff Control) of the SWMM for stormwater treatment facility maintenance recommendations.

- iv) Spill Prevention and Emergency Cleanup Plan: Identification of areas where potential spills can contribute pollutants to stormwater discharges. Specific material handling procedures, storage requirements, cleanup equipment and procedures should be identified, as appropriate. BMP S1.80 (Emergency Spill Cleanup Plans) in Ecology's SWMM should be used for emergency cleanup guidance. The SWPPP may include excerpts of plans prepared for other purposes (e.g., Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the CWA), where those excerpts meet the intent of this requirement.
- v) Employee Training: Annual training of employees, who have duties in areas of industrial activity as defined in Appendix #1-Section A of this permit, on the SWPPP, addressing spill response, good housekeeping, and material management practices.
- vi) Inspections and Recordkeeping: A tracking or follow-up procedure shall be identified to ensure that appropriate action has been taken in response to an inspection. Inspection reporting and recordkeeping procedures and schedules as required in this Special Condition and General Condition G19 (Record Keeping Requirements) of this permit shall be described.

Semi-Annual Inspections:

- i) As a minimum, all facilities covered under this permit are required to conduct two inspections per year; one during the wet season (October 1-April 30) and the other during the dry season (May 1 - September 30).
- ii) The wet season inspection shall be conducted during a stormwater discharge by personnel named in the SWPPP to verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection shall include observations for the presence of floating materials, suspended solids, oil and grease, visible sheen, discolorations, turbidity, odor, etc. in the stormwater discharge(s).
- iii) The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of unpermitted nonstormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including leachate) to the stormwater drainage system. If an unpermitted, nonstormwater discharge is discovered, the permittee shall comply with General Condition G3, and if the unpermitted discharge cannot be eliminated within six months, the permittee shall apply to Ecology for an appropriate NPDES or State Waste Discharge permit.

Reports and Record Keeping:

- i) A report summarizing the scope of the inspection, the personnel conducting the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with Special Condition S9.B.3.c. of this permit shall be prepared and retained as part of the SWPPP.
- ii) Reports on incidents, such as a discharge of a spill or other noncompliance notification (see G3), shall be included in the records.
- iii) Retention of records and reports shall be conducted in accordance with General Condition G19 of this permit .
- iv) Compliance with the maintenance and schedule requirements of the SWPPP and other schedule requirements of this permit constitutes compliance with the reporting requirements of WAC 173-226-180.

b. Source Control BMPs:

Selection of applicable source control BMPs (or equivalent BMPs) from the following list, as further described in Volume IV of Ecology's SWMM. Equivalent BMPs may be selected which result in equal or better quality of stormwater discharge. For industrial activities not listed below, BMPs shall be employed which prevent pollution by stormwater.

- i) BMP S1.10 Fueling Stations
- ii) BMP S1.20 Vehicle/Equipment Washing and Steam Cleaning
- iii) BMP S1.30 Loading and Unloading Liquid Materials
- iv) BMP S1.40 Liquid Storage in Above-Ground Tanks
- v) BMP S1.50 Container Storage of Liquids, Food Wastes or Dangerous Wastes
- vi) BMP S1.60 Outside Storage of Raw Materials, By-Products or Finished Products
- vii) BMP S1.70 Outside Manufacturing Activities
- viii) BMP S1.90 Vegetation Management/Integrated Pest Management

c. Erosion and Sediment Control BMPs:

- i) Apply BMPs to areas which have a high potential for significant soil erosion and measures to limit erosion. Permittees with facilities within the Puget Sound Basin shall select from BMPs described in Volumes II (Erosion and Sediment Control) and III (Runoff Control) of Ecology's SWMM, or other equivalent stormwater BMPs. Permittees with facilities outside the Puget Sound Basin shall select from BMPs described in Volume II and III of Ecology's SWMM as adapted for local conditions using best professional judgment, or statewide edition when it is published; the Erosion and Sediment Control Handbook, by Goldman et al; or other equivalent BMPs.
- ii) Construction activity which disturbs less than five acres of land area at an industrial facility shall implement the BMPs specified in the SWMM, or other equivalent BMPs. (Construction sites disturbing five acres or more of total land area shall obtain coverage under the Ecology stormwater general permit for construction activities)

- d. Stormwater Peak Runoff Rate and Volume Control BMPs:
 - i) BMPs to control peak runoff rate and volume shall be applied on a case-by-case basis using Volumes I (Minimum Technical Requirements) and III of Ecology's SWMM, equivalent local government manual, or other equivalent BMPs.
 - ii) New facilities creating more than 5000 square feet of new impervious surface, or existing facilities adding more than 5000 square feet of new impervious surface where stormwater is discharged directly or indirectly into all surface waters shall apply appropriate BMPs from Volumes I and III of Ecology's SWMM, equivalent local government manuals, or other equivalent BMPs.
 - iii) Compliance with local government stormwater discharge quantity requirements constitutes compliance with the requirements of this permit.

3. Additional BMPs to Reduce Pollutants Below a Significant Amount:

- a. A description of additional available and reasonable BMPs necessary for the facility if the application of BMPs selected to meet the requirements of Special Condition S9.D.2. is judged by the permittee to be insufficient to prevent or remove all pollutants amenable to available and reasonable methods of prevention or treatment.
- b. A description of additional available and reasonable BMPs selected for the facility based on the permittee's consideration of need if the application of BMPs selected to meet the requirements of Special Conditions S9.D.2. and S9.D.3.a. are judged by the permittee to be insufficient to prevent or remove pollutants to a level where there is not a reasonable potential to cause a violation of surface water or ground water quality, or sediment management standards. Implementation of such BMPs are strongly encouraged but not required.
- c. Discharge targets may be used by the permittee as criteria for the application of additional available and reasonable BMPs.
- d. Additional available and reasonable BMPs may include:
 - i) Enhancements to BMPs addressed in S9.D.2.
 - ii) Treatment BMPs:

Treatment BMPs include but are not limited to: oil/water separators, biofiltration, infiltration basins, detention facilities, and constructed wetlands. Permittees shall use Volumes III and IV of Ecology's SWMM for selecting appropriate treatment BMPs, or shall select equivalent BMPs. Facilities within the Puget Sound Basin may use Volume III of Ecology's SWMM as guidance for designing treatment BMPs. Facilities outside the Puget Sound Basin shall use standard engineering practice for selecting appropriate treatment capacities or the revised statewide edition(s) of the SWMM when they become available.

iii) Innovative BMPs:

Innovative treatment, source control, reduction or recycle, or operational BMPs beyond those identified in Ecology's SWMM are encouraged if they help achieve the objectives listed in Special Condition S9.A. of this permit.

4. Selection of BMPs for log yards and vehicle recyclers:
 - a. Facilities with log yards that are classified under SIC Codes 2411, 2421, 2426, 2429, 2431, 2435, 2436, 2439, 2499, 2611, 2621, 2631, and 4491; shall select BMPs described in Ecology Publication #95-53: Best Management Practices to Prevent Stormwater Pollution at Log Yards.
 - b. Vehicle recycler facilities classified under SIC Codes 5015 and 5093; shall select from BMPs described in Ecology Publication #94-146: Best Management Practices to Prevent Stormwater Pollution at Vehicle Recycler Facilities.
5. An implementation schedule including interim and final compliance milestone dates for the BMPs and other activities described in the SWPPP. This schedule shall not extend beyond the implementation deadlines specified in Special Condition S1.

S10. Solid and Liquid Waste Disposal

The following requirements apply in the handling of solid and liquid wastes generated in compliance with the requirements of this general permit:

- A. Disposal of waste materials from maintenance activities, including liquids and solids from cleaning catch basins and other stormwater facilities, shall be conducted in accordance with the Minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.
- B. Leachate from the solid waste material handling and disposal sites shall not be discharged to state ground or surface waters without providing all known, available, and reasonable methods of treatment, nor shall such leachate cause violations of the state water quality standards for ground water or surface water or violations of sediment management standards.

S11. Notice of Termination (NOT)

Where all permitted stormwater discharges associated with industrial activity that are authorized by this permit cease because the industrial activity has ceased, and no significant materials remain exposed to stormwater, the permittee(s) may submit a Notice of Termination that is signed in accordance with General Condition G20 of this permit.

Where the operator of a facility with stormwater discharges associated with industrial activity changes, the operator of the facility listed as the permittee may submit a NOT that is signed in accordance with General Condition G20 of this permit.

A transmittal letter, which provides a brief description of the change(s) causing the cessation of the stormwater discharge, shall be included with the NOT submission.

S12. Determination of Primary Activity

For the purpose of requiring stormwater discharge permit coverage Ecology may determine the primary activity of any facility based on the activities taking place at the facility regardless of the SIC code of its ownership or parent company. Permit coverage may be required if the primary activity is listed among the industrial SIC categories in Appendix #1-Section C.

General Conditions

G1. Discharge Violations:

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

G2. Proper Operation and Maintenance:

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control.

G3. Noncompliance Notification:

If for any reason, the Permittee does not comply with, or will be unable to comply with, conditions specified in the permit, the Permittee shall, at a minimum, provide the Department of Ecology with the following information:

- A. A description of the nature and cause of noncompliance, including the quantity and quality of any unauthorized waste discharges;
- B. The period of noncompliance, including exact dates and times and/or the anticipated time when the Permittee will return to compliance; and
- C. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance.

In addition, the Permittee shall take immediate action as expeditiously as practicable, to stop, contain, and clean up any discharge of spills and take all reasonable steps to minimize any adverse impacts to waters of the state and correct the problem. The Permittee shall notify Ecology by telephone so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken to determine if additional action should be taken.

In the case of any discharge which could constitute a threat to human health, welfare, or the environment, 40 CFR Part 122 requires that the information specified in Sections G3.A., G3.B., and G3.C., above, shall be provided not later than 24 hours from the time the Permittee becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within five days of the time the Permittee becomes aware of the circumstances, unless Ecology waives or extends this requirement on a case-by-case basis.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

G4. Bypass Prohibited:

The intentional bypass of stormwater from all or any portion of a stormwater treatment system whenever the design capacity of the treatment system is not exceeded, is prohibited unless the following conditions are met:

- A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property damage; or (2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the Clean Water Act and authorized by administrative order; and

- B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated stormwater, maintenance during normal periods of equipment down time, or temporary reduction or termination of production.

G5. Right of Entry:

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;
- B. To have access to, and copy at reasonable times, any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G6. Revocation of Coverage:

Pursuant with Chapter 43.21B RCW (State Environmental Policy) and Chapter 173-226 WAC, the director may terminate coverage under this General Permit. Cases where coverage may be terminated include, but are not limited to the following:

- A. Violation of any term or condition of the general permit;
- B. Obtaining coverage under a general permit by misrepresentation or failure to disclose fully all relevant facts;
- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- D. A determination that the permitted activity endangers human health or the environment, or contributes significantly to water quality standards violations;
- E. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090;
- F. Nonpayment of permit fees assessed pursuant to RCW 90.48.610;
- G. Failure of the permittee to satisfy the public notice requirements of WAC 173-226-130(6); or revocation of coverage under a general permit may be initiated by Ecology or requested by any interested person.

G7. Transfer of Coverage:

Pursuant with Chapter 43.21 RCW and Chapter 173-226 WAC, the director may require any discharger authorized by this general permit to apply for and obtain an individual permit or to apply for coverage under an industry-specific general permit.

G8. General Permit Modification and Revocation

General permits may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification, revocation and reissuance, or termination include, but are not limited to the following:

- A. A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under the general permit;
- B. Effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or chapter 90.48 RCW, for the category of dischargers covered under the general permit;
- C. A water quality management plan containing requirements applicable to the category of dischargers covered under the general permit is approved; or
- D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under the general permit are unacceptable.

G9. Permit Coverage Modification:

A Permittee who knows, or has reason to believe, that any activity has occurred or will occur which would constitute cause for revocation or transfer of coverage under General Conditions G6 and G7 respectively, or 40 CFR Subpart 122.62, must report such plans, or such information, to Ecology. Activities which shall be reported include facility expansions, production increases, or process modifications which will: 1) result in new or substantially increased discharges of pollutants into stormwater or a change in the nature of the discharge of pollutants into stormwater, or 2) violate the terms and conditions of this permit. Ecology may then require submission of a new Notice of Intent or an application for an individual permit.

Submission of a new Notice of Intent for coverage under this or another general permit, or an application for an individual permit does not relieve the Permittee of the duty to comply with the terms and conditions of the existing permit until the new Notice of Intent has been approved or an individual permit has been issued.

G10. Toxic Pollutants:

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in this general permit, Ecology shall institute proceedings to modify or revoke and reissue this general permit to conform to the new toxic effluent standard or prohibition.

G11. Other Requirements of Title 40 Code of Federal Regulations:

All other requirements of 40 CFR Subpart 122.41 and 122.42 are incorporated in this permit by reference.

G12. Compliance With Other Laws and Statutes:

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local laws, ordinances, or regulations.

G13. Additional Monitoring:

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. Removed Substances:

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G15. Duty to Reapply:

The Permittee must reapply for coverage under this general permit at least 180 days prior to the specified expiration date of this permit. An expired general permit continues in force and effect until a new general permit is issued or until the department cancels it. Only those facilities which have reapplied for coverage under the general permit are covered under the continued permit.

G16. Transfer of Permit Coverage:

Coverage under this permit is not transferable to any other person or entity except in compliance with WAC 173-226-210. The new operator shall submit a new Notice of Intent for coverage under this or another general permit, or to apply for and obtain an individual discharge permit. The previous operator shall submit a Notice of Termination.

G17. Requests to be Excluded from Coverage Under a General Permit:

Any discharger authorized by a general permit may request to be excluded from coverage under the general permit by applying for an individual permit. The discharger shall submit to the director an application as described in WAC 173-220-040 (NPDES Permit Program) with reasons supporting the request. The director will either issue an individual permit or deny the request with a statement explaining the reason for denial.

G18. Appeals:

- A. The terms and conditions of this general permit, as they apply to the appropriate class of dischargers, are subject to appeal by any person within 30 days of issuance of this general permit in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- B. The terms and conditions of this general permit, as they apply to an individual discharger, are appealable in accordance with Chapter 43.21B RCW within 30 days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that individual discharger.
- C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this general permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter will be remanded to the department for consideration of issuance of an individual permit or permits.

G19. Record Keeping Requirements:

The permittee shall maintain records required as a condition of the application for, as a condition of coverage under, and as conditions of this permit.

The permittee shall retain for a minimum of five years any records required by this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the department or regional administrator.

The facility shall retain all records and reports required under this General Condition for at least three years from the date of termination of coverage under this permit.

G20. Signatory Requirements:

All Notices of Intent and Termination, plans (including the SWPPP), reports, certifications, or information either submitted to the Department of Ecology or to the operator of a municipal storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:

- A. In the case of corporations, by a responsible corporate officer or a duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.
- B. In the case of a partnership, by a general partner.
- C. In the case of a sole proprietorship, by the proprietor.
- D. In the case of a municipal, state or other public agency, by either a principal executive officer, ranking elected official, or other duly authorized employee.

G21. Use of Registered or Accredited Laboratories:

Except for flow, temperature and internal process control parameters, sampling, and analysis data required as a condition of coverage under this general permit shall be prepared by a laboratory accredited under the provisions of Chapter 173-50 WAC (Accreditation of Environmental Laboratories).

G22. Commencement of Coverage Under a General Permit:

Unless the Department of Ecology responds in writing to an application for coverage, coverage of a discharger under a general permit will automatically commence on the later of the following:

- A. On the effective date of the general permit;
- B. On the 31st day following the end of the 30 day comment period required by WAC 173-226-130(5)(iv) for new operations;
- C. On the 31st day following receipt by the department of a completed application for coverage under a general permit; or
- D. On the coverage date specified in this permit.

G23. Termination of Coverage Upon Issuance of an Individual Permit or an Industry-specific General Permit:

When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

When coverage under an industry-specific general permit is granted to a discharger otherwise subject to this general permit, the applicability of this general permit to that permittee is automatically terminated 90 days after the effective date of the industry-specific general permit.

G24. Severability:

The provisions of this permit are severable, and if any provision of this permit, or application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

Appendix #1

A. Edited Version of 40 CFR Subpart 122.26(b)(14)

"Stormwater discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the categories of industries identified in subparagraphs (1) through (10) below, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters [as defined at 40 CFR Subchapter N (Effluent Guidelines and Standards) Part 401 (General Provisions)]; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

For the categories of industries identified in subparagraph (11), the term includes only stormwater discharges from all the areas (except access roads and rail lines) that are listed in the previous paragraph where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to stormwater. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state, or municipally owned or operated that meet the description of the facilities listed in this Appendix) include those facilities designated under the provisions of 40 CFR 122.26 (a)(1)(v).

B. Identify Primary Activity

A facility may need to apply for permit coverage if the primary activity at the facility is listed among the industrial SIC categories in this Appendix #1-Section C whether or not the activity is auxiliary to the owner or other operating establishment. Thus, the primary activity at the facility will be used when determining permit coverage regardless of the SIC code of the owner or parent company. For example, a distribution center for a supermarket chain could be engaged in several activities listed in Appendix #1-Section C, such as transportation or warehousing. Both the transportation and warehousing facilities may be required to apply for permit coverage regardless of their relationship to the supermarket operations.

C. Categories of Facilities Engaging in Industrial Activity

The following categories of facilities are considered to be engaging in industrial activity and are listed in 40 CFR Subpart 122.26(b)(14) of the November 16, 1990, federal regulation.

1. FACILITIES SUBJECT TO STORMWATER EFFLUENT LIMITATIONS GUIDELINES, or NEW SOURCE PERFORMANCE STANDARDS specified in 40 CFR Subchapter N, or TOXIC POLLUTANT EFFLUENT STANDARDS under 40 CFR Subchapter D (except facilities with toxic pollutant effluent standards which are exempted under category 11 below).
2. FACILITIES LISTED UNDER THE FOLLOWING STANDARD INDUSTRIAL CLASSIFICATIONS (SIC):

-24 Lumber and Wood Products (except 2434 - Wood Kitchen Cabinets, see Category 11)

- 26 Paper and Allied Products (except 265 - Paperboard Containers; and 267 - Converted Paper and Paperboard Products, see Category 11)
 - 28 Chemicals and Allied Products (except 283 - Drugs; and 285 Paints, Varnishes, Lacquers, Enamels, and Allied Products, see Category 11)
 - 29 Petroleum and Coal Products, (except 2951 - Asphalt Concrete Plants, must apply for the sand and gravel general permit)
 - 311 Leather Tanning and Finishing
 - 32 Stone, Clay and Glass Products (except 323 - Glass Products made from purchased glass, see category 11) and (except 3273 - Ready-Mixed Concrete, must apply for the sand and gravel general permit)
 - 33 Primary Metals Industries
 - 3441 Fabricated Structural Metal
 - 373 Ship and Boat Building and Repairing
3. FACILITIES CLASSIFIED AS SICs 10 THROUGH 14 (mineral industry) listed below, including active or inactive mining operations [except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) Subchapter N (Coal Mining Point Source Category: BPT, BAT, BCT Limitations and New Source Performance Standards) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas on noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990] and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come in contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.
- 10 Metal Mining
 - 12 Coal Mining
 - 13 Oil and Gas Extraction
 - 14 Mining and Quarrying of Nonmetallic Minerals, except Fuels (except 1411 - dimension stone; 1422 - Crushed and Broken Limestone; 1423 - Crushed and Broken Granite; 1429 - Crushed and Broken Stone, Not Elsewhere Classified; 1442 - Construction Sand and Gravel; 1446 - Industrial Sand, 1445 - Kaolin and Ball Clay; 1459 - Clay, Ceramic, and Refractory Minerals, Not Otherwise Classified; 1499 - Miscellaneous Nonmetallic Minerals, Except Fuels; must apply for the sand and gravel general permit)
4. HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES, including those operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA).
5. LANDFILLS, LAND APPLICATION SITES, AND OPEN DUMPS that receive or have received any industrial wastes (waste that is received from any of the facilities described in this appendix) including those subject to regulation under Subtitle D of RCRA.
6. RECYCLING FACILITIES, facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093.
7. STEAM ELECTRIC POWER GENERATING FACILITIES, including coal handling sites.
8. TRANSPORTATION FACILITIES classified under SICs below, which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the

facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations or which are otherwise identified under one of the other 11 categories of industrial activities listed in this appendix are associated with industrial activity.

- 40 Railroad Transportation,
 - 41 Local and Interurban Passenger Transportation,
 - 42 Motor Freight Transportation and Warehousing (except 4221 - Farm Product Warehousing and Storage; 4222 Refrigerated Warehousing and Storage; and 4225 - General Warehousing and Storage; see Category 11),
 - 43 United States Postal Service,
 - 44 Water Transportation,
 - 45 Transportation by Air,
 - 5171 Petroleum Bulk Stations and Terminals;
9. TREATMENT WORKS treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge, that are located within the confines of the facility, with a design flow of one million gallons per day or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with Section 405 of the CWA.
10. Construction Activity which results in the disturbance of five acres or more land, including clearing, grading and excavation will be covered under a separate general permit for discharges of stormwater associated with construction activities.
11. FACILITIES UNDER THE FOLLOWING STANDARD INDUSTRIAL CLASSIFICATIONS:
- 20 Food and Kindred Products
 - 21 Tobacco Products
 - 22 Textile Mill Products
 - 23 Apparel and Other Textile Products
 - 2434 Wood Kitchen Cabinets
 - 25 Furniture and Fixtures
 - 265 Paperboard Containers and Boxes
 - 267 Converted Paper and Paperboard Products
 - 27 Printing, Publishing and Allied Industries
 - 283 Drugs
 - 285 Paints, Varnishes, Lacquers, Enamels, and Allied Products
 - 30 Rubber and Miscellaneous Plastic Products
 - 31 Leather and Leather Products (except 311 - Leather Tanning and Finishing, see Category 2)
 - 323 Glass Products Made of Purchased Glass
 - 34 Fabricated Metal Products (except 3441 - Fabricated Structural Metal, see Category 2)
 - 35 Industrial and Commercial Machinery and Computer Equipment
 - 36 Electronic and Other Electrical Equipment
 - 37 Transportation Equipment (except 373 - Ship and Boat Building and Repair, see Category 2)
 - 38 Measuring, Analyzing, and Controlling Instruments, Photographic, Medical and Optical Goods; Watches and Clocks
 - 39 Miscellaneous Manufacturing Industries
 - 4221 Farm Product Warehousing and Storage
 - 4222 Refrigerated Warehousing and Storage
 - 4225 General Warehousing and Storage.

D. Facilities Subject to Stormwater Effluent Limitations Guidelines or Effluent Standards

Any part of a facility that has a stormwater discharge subject to stormwater Effluent Limitations Guidelines, or New Source Performance Standards (NSPS) Under 40 CFR Subchapter N, or Toxic Pollutant Effluent Standards under 40 CFR Subchapter D Part 129, must apply for NPDES permit coverage in an individual or industry-specific general permit for those stormwater discharges, and not for coverage under this permit.

Below is a list of categories of industries specified in 40 CFR Subchapter N for which at least one subpart includes stormwater effluent limitations guidelines, or NSPS. Industries included in this list should review the Subchapter N guidelines to determine if they are subject to a stormwater effluent limitation guideline for activities which they perform at their site.

40 CFR 411 Cement manufacturing	40 CFR 423 Steam electric power generating
40 CFR 412 Feedlots	40 CFR 434 Coal mining
40 CFR 418 Fertilizer manufacturing	40 CFR 436 Mineral mining and processing
40 CFR 419 Petroleum refining	40 CFR 440 Ore mining and dressing
40 CFR 422 Phosphate manufacturing	40 CFR 443 Paving and roofing materials (tars & asphalt)

Below is a list of six (6) toxic pollutants which are limited by effluent standards in 40 CFR Subchapter D, Part 129:

- | | |
|--------------------|-------------------------------------|
| a) Aldrin/Dieldrin | d) Toxaphene |
| b) DDT | e) Benzidine |
| c) Endrin | f) Polychlorinated Biphenyls (PCBs) |